

BILL NO. Z-97-11-13

ZONING MAP ORDINANCE NO. Z-06-97

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No.O-23.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B (Limited  
Business) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

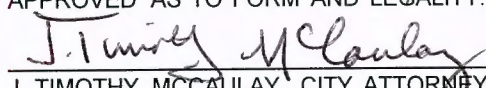
All of Lot 4 and the western most 12 feet of Lot 3 in Sylvan Park Addition, Section A, to the City of  
Fort Wayne, Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. O-23, as established by Section 157.016 of Title  
XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and  
approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Ravine,  
and duly adopted, read the second time by title and referred to the Committee on  
Regulations, (and the City Plan Commission for recommendation)  
and Public Hearing to be held after due legal notice, at the Common Council Conference  
Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_,  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_  
o'clock \_\_\_\_\_ M., E.S.T.

DATED: 11-25-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,  
and duly adopted, placed on its passage. PASSED  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 12-9-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,  
as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL)  
(ZONING) (ORDINANCE) (RESOLUTION NO. 2-06-97)  
on the 9th day of December, 1997

ATTEST: Sandra E. Kennedy SEAL Thomas P. Henry  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the  
10th day of December, 1997.  
at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day  
of December, 1997, at the hour of 1:00  
o'clock P. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR





18570

# Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

#645

I/We Gershman Brown & Associates, Inc. do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an RA designation to a/an B1B designation, the property located at the common street address of: 1712 E. Paulding Rd and further described as follows:

All of Lot 4 and the western most 12 feet of Lot 3 of Sylvan Park Addition, Section A, to the City of Fort Wayne, Allen County, Indiana.

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:

Pharmacy

Property owners Name(s): Please see attached Exhibit "A".

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Applicants Name (if different from above): Gershman Brown & Associates, Inc.

Street Address: 250 E. 96th Street, Suite 100

City: Indianapolis State: IN Zip: 46240 Phone: 317-574-7333

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

See attached Exhibit "A"

Signature

Printed Name

Date

Signature

Printed Name

Date

Signature

Printed Name

Date

## Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

## Name and address of preparer, attorney or agent.

James A. Federoff  
Beckman, Lawson, Sandler, Snyder  
& Federoff, L.L.P.  
P.O. Box 800  
Fort Wayne, IN 46801-0800

(219) 422-0800  
Telephone Number

Form Rez494

Receipt #:

Date Filed:

Map #:

Reference #:

EXHIBIT "A" - 1  
Petition for a Zoning Map Amendment

PROPERTY OWNER:

Max E. Melching  
Max E. Melching

Date: 10-16-97

7130 PALLADIN  
Address

FT. WAYNE, IN 46804  
City State Zip

(219) 432-1528  
Telephone Number

EXHIBIT "A" - 1 - 2  
Petition for a Zoning Map Amendment

PROPERTY OWNER:

George O. Bitler

George O. Bitler

Date: 10-16-97

2811 PAULDING RD.

Address

FT. WAYNE, IN 46806

City

State

Zip

Telephone Number



**EXHIBIT "A" - Page 3**  
**Petition for a Zoning Map Amendment**

APPLICANT:

GERSHMAN BROWN & ASSOCIATES, INC.

By: \_\_\_\_\_

Thomas M. Crowley  
Executive Vice President  
250 E. 96h Street, Suite 100  
Indianapolis, IN 46240  
317-574-7333

Date: \_\_\_\_\_

10/15/97

## RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on November 25, 1997 a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-97-11-13; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on November 17, 1997.

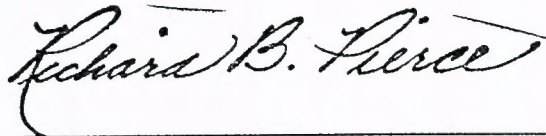
**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. Approval will provide a better alignment of zoning districts with the north side of Paulding Road.
- 2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.
- 3) Approval is consistent with the preservation of property values in the area. Approval should encourage reinvestment in the area, both commercially and residentially.
- 4) Approval is consistent with responsible development growth and principles based on existing uses and infrastructure in the area. This is an extension of commercial zoning along an arterial street.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 24, 1997.

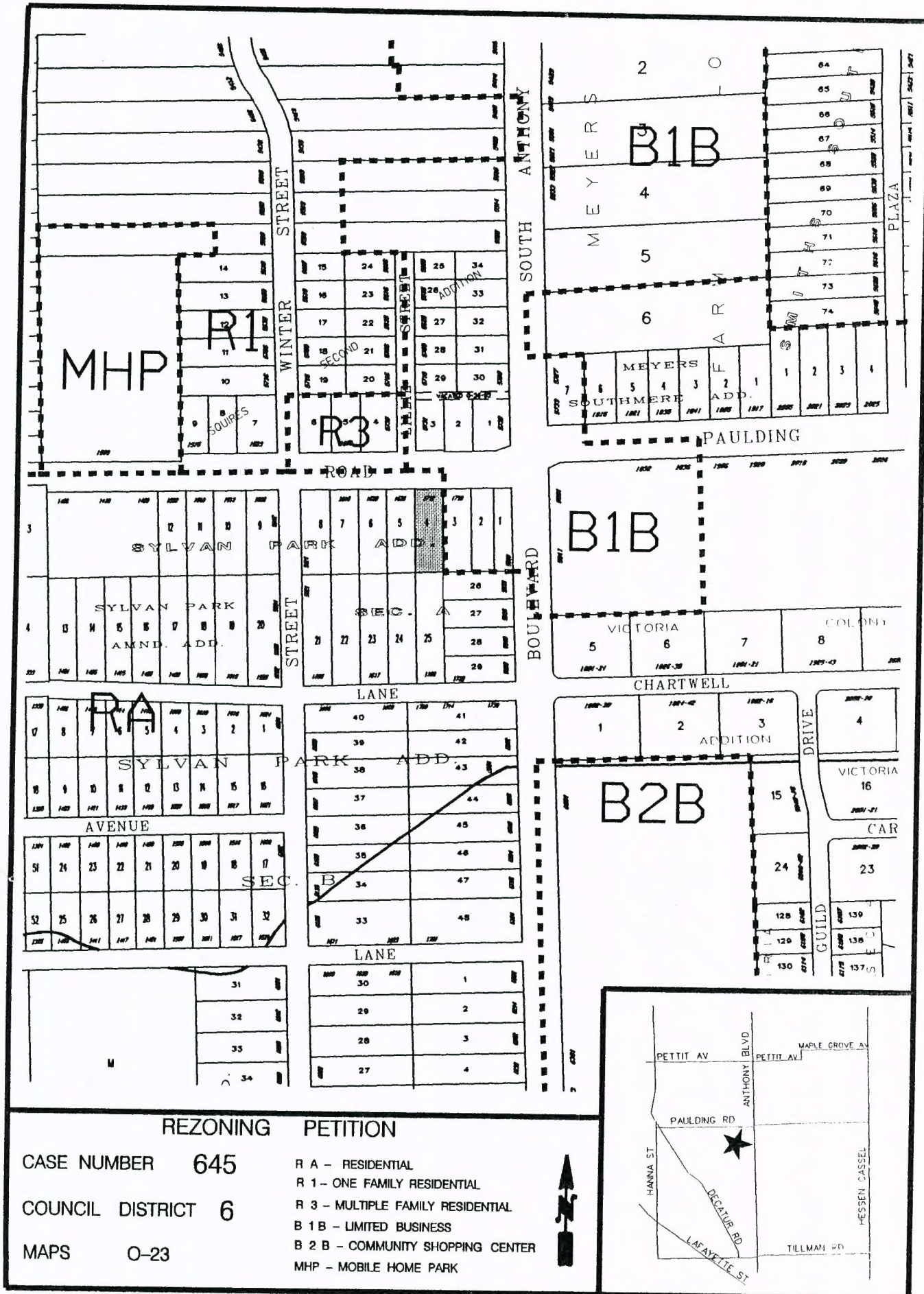
Certified and signed this  
26th day of November 1997.



Richard Pierce  
Secretary



# REZONING





# FACT SHEET

Z-97-11-13

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From RA to BIB

### DETAILS

Specific Location and/or Address

1712 E Paulding Road

Reason for Project

CVS Pharmacy

Discussion (Including relationship to other Council actions)

17 November 19977 - Public Hearing

(See Attached Minutes of Meeting)

24 November 1997 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote.

Motion Carried

Members Present: Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Charles McNagny, Richard Pierce, Dave Ross

Members Absent: Linda Buskirk, Thomas Quirk

### POSITIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)

Gershman Brown & Assoc Inc  
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation☒ For ☐ Against

Reason Against

Board or  
Commission  
Recommendation

By

☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)CITY COUNCIL  
ACTIONS  
(For Council  
use only)☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

ETAILS

POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 16 October 1997

Projected Completion or Occupancy

Date 26 November 1997

Fact Sheet Prepared by  
Patricia Biancaniello

Date 26 November 1997

Reviewed by

Date 2 December 1997

Reference or Case Number



- b. Change of Zone #645  
From RA to B1B  
1712 E Paulding Road.

Jim Federhoff, attorney, appeared before the Commission, for the petitioners, Gershman Brown and Associates, Inc. He stated that the petition is to rezone a piece of property south of Paulding Road, west of So Anthony to a B1B district. The purpose of the rezoning is to accommodate the development of a CVS Pharmacy Store at the southwest corner of the intersection. He stated that CVS Pharmacy is the second largest pharmacy chain in the United States. He stated that CVS recently purchased all of the Revco stores and is in the process of closing down some of the older Revco Stores and building a number of new stores in the area. He stated that there are currently 4 curb cuts that serve the site, two on Anthony and two on Paulding. He stated that the project proposes to close the 4 curb cuts and replace them with new curb cuts that will be further away from the intersection. He stated that they feel that the adjustment of the access points will be a positive feature of the development and improve traffic safety in the area. He stated that the construction timetable is proposed for the Spring of 1998. He stated that there is a drive thru proposed for this pharmacy. He stated that it will not have a intercom system. He stated that anyone using the drive thru will talk to a staff person at the window. He stated that the hours of operation at this store are 10 am to 10 pm. He stated that the site is already served by city utilities. He stated that there is on site retention on the south side of the site. He stated that the lighting will be such that will avoid spillage onto adjacent property. He stated that they also intend to landscape the project. He stated that the plan that they have depicts new plant material, in the form of evergreens, that would be located on the northern two thirds along the west property line and the eastern two thirds of the south property line. He stated that staff suggested that they be enhanced by extending them to the south and to the west and the developer is willing to accommodate staff's request. He stated that they feel that they have satisfied the zoning requirements with this request. He stated that they feel that the proposal is in compliance with the Comprehensive Plan. They also feel that with the benefits of the enhanced buffering and the replacement of the existing commercial structures, that instead of a negative impact, it will be an enhancement to the area. He stated that they feel that the rezoning is consistent with the principles responsible for urban development and will be consistent with the preservation of property values.

Georgeann Hoevel, 5830 So Anthony Blvd., appeared before the Commission. She stated that she was concerned about the buffering between her property and the new pharmacy. She stated that this development will be adjacent to her north property line. She stated that they also have a runoff problem in the area. She stated that the sewers are over thirty years old and they have had seen many water runoff problems recently. She stated that she would ask that they put a privacy fence on her north property line.

In rebuttal, Mr. Federhoff stated that with regard to the buffering along the south property line they have suggested plant materials, that is typically the type of buffering that the staff requests. He stated that they would be more than willing to accommodate Mrs. Hoevel's request with staff's assistance. He stated that the storm water problems as mentioned should be substantially improved with the storm water plans they have.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

*From the desk of:*  
**Pat Biancaniello**

**AGENT:**

Jim Federhoff  
P O Box 800  
City 46801-0800  
  
422-0800



ORIGINAL

ORIGINAL

#645

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1712 E Paulding Road

*Z-97-11-13*

EFFECT OF PASSAGE Property is currently zoned RA - Residence  
District A. Property will become zoned B-1-B - Limited Business  
District.

EFFECT OF NON-PASSAGE Property will remain zoned RA - Residence  
District A.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

BILL, NO. Z-97-11-13

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort  
Wayne Zoning Map No. 0-23

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Rebecca Ravine*

*Thomas E. Hayhurst*

*Deedee Hall*

*DBL*

*Thomas E. Hayhurst*

*Martin A. Bond*

*Julius J. ...*

*John ...*

DATED: 12-9-97

Sandra E. Kennedy  
City Clerk